

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 18, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on March 18, 2009, 2009 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

BOARD MEMBERS
PRESENT:

Lynne M. Cooper, Citizen Member, President
Patricia M. Selig, R.N., F.N.P., Ph.D., Vice President
Peregrin Francisco, R.N., M.S.A., Secretary
Florence Jones-Clarke, R.N., M.S.
Brenda L. Hale, R.N.,
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.

BOARD MEMBER
ABSENT:

Judith E. Piersall, R.N., B.S.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Linda Kleiner, R.N., Discipline Case Manager
Ann Tiller, Compliance Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT:

Ishneila Moore, Assistant Attorney General

ESTABLISHMENT OF
A QUORUM:

With eleven members of the Board present, a quorum was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Monica L. Crivaro, R.N. 0001-138934
Ms. Crivaro did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Monica Crivaro.

The motion was seconded and carried unanimously.

Kim L. Granderson, L.P.N. 0002-071414

Ms. Granderson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Kim Granderson and require she provide to the Board verification that she has completed the National Council of State Boards of Nursing course “Professional Accountability and Legal Liability for Nurses” within sixty days of entry of the order.

The motion was seconded and carried unanimously.

Roseleine Dorzin, C.N.A. 1401-119163

Ms. Dorzin did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Roseleine Dorzin.

The motion was seconded and carried unanimously.

Amy E. Terrell, C.N.A. 1401-012399

Ms. Terrell did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Amy Terrell.

The motion was seconded and carried unanimously.

Thomasena Purvis, C.N.A. 1401-093556

Ms. Purvis did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Thomasena Purvis with a finding of abuse.

The motion was seconded and carried unanimously.

Rebecca Haney, L.P.N. 0002-055577

Ms. Haney did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Rebecca Haney and require Ms. Haney to provide evidence of entry into the Health Practitioners Intervention Program within sixty days of entry of the order and remain in compliance with the Health Practitioners Intervention Program thereafter.

The motion was seconded and carried unanimously.

Michael Brown, L.P.N. 0002-076042

Mr. Brown did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Michael Brown; require Mr. Brown to complete the National Council of State Boards of Nursing courses “Medication Errors, Detection and Prevention” and “Documentation, A Critical Aspect of

Client Care” within 45 days of entry of the order; and require Mr. Brown to have an evaluation by the mental health specialist satisfactory to the Board with a written report of the evaluation including a diagnosis, recommended course of therapy, prognosis and any recommendations sent to the Board within sixty days after the date that the order is entered. Upon receipt of the required information, the Board may request that Mr. Brown reappear before a Special Conference Committee in order to consider the specialist’s recommendation and to make a final disposition in the matter.

The motion was seconded and carried unanimously.

Damon N. Dunn, L.P.N. 0002-075188

Mr. Dunn did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Damon Dunn with said suspension to be stayed after demonstrating evidence of six months compliance with his recovery monitoring contract with the Health Practitioners Intervention Program, and thereafter remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Ann M. Eggers (Daniels), R.N. 0001-166583

Ms. Eggers did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Ann Eggers (Daniels) to renew her professional nursing license as well as any multi state privilege to practice in Virginia until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice nursing. The motion was seconded and carried unanimously.

Jennifer White, R.N. 0001-181336

Ms. White did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Jennifer White with said suspension stayed after reentry into and demonstrating evidence of six months compliance with a recovery monitoring contract with the Health Practitioners Intervention Program and remaining in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Vivian R. Smith, C.N.A. 1401-105692

Ms. Smith did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Vivian Smith and place Ms. Smith on probation for one year with terms.

The motion was seconded and carried unanimously.

Candy Dunn, L.P.N. 0002-065265

Ms. Dunn did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to require Candy Dunn to provide verification that she has completed the National Council of State Boards of Nursing course “Documentation: A Critical Aspect of Client Care” within sixty days of the entry of the order.

The motion was seconded and carried unanimously.

Jonathan R. Craddock, R.N. 0001-100288

Mr. Craddock did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew Jonathan Craddock’s professional nursing license, with said suspension stayed contingent upon proof of reentry into a recovery monitoring contract with the Health Practitioners Intervention Program, and thereafter remaining in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Dana G. Scott, L.P.N. 0002-061137

Ms. Scott did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Dana Scott until such time as she can appear and provide sufficient evidence that she is safe and competent to resume practice.

The motion was seconded and carried unanimously.

Nicole L. Casas, L.P.N. 0002-071905

Ms. Casas did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Nicole Casas with said suspension stayed contingent upon Ms. Casas entering into the Health Practitioners Intervention Program and remaining in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Catherine Woodson-Harris, L.P.N. 0002-060964

Ms. Woodson-Harris did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to impose a \$200 monetary penalty to be paid by Catherine Woodson-Harris within sixty days of entry of the order.

The motion was seconded and carried unanimously.

Angela M. Parker, L.P.N. 0002-066027

Ms. Parker did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license pending an evaluation by a mental health/chemical dependency specialist satisfactory to the Board with submission of a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis. Ms. Parker shall provide the evaluator with a complete copy of the order and shall execute all releases necessary for unrestricted communication between the evaluator, the Board and any consultants designated by the Board. Upon receipt of the written report, Ms. Parker shall be noticed to appear at an informal conference for final disposition of this matter.

The motion was seconded and carried unanimously.

Sylvia Garraghty, R.N. 0001-127024

Ms. Garraghty did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license of Sylvia Garraghty for not less than two years and until such time as she can demonstrate she is capable of resuming the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously.

Arla Payne Pelligrini, L.P.N. 0002-052712

Ms. Pelligrini did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Arla Pelligrini with said suspension stayed upon Ms. Pelligrini entering into the Health Practitioners Intervention Program and thereafter remaining in compliance with the terms and conditions of the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

David W. Slusher, C.N.A. 1401-053296; L.P.N. 0002-052621

Mr. Slusher did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against the practical nursing license or nurse aide certificate of David Slusher on the condition that he enter into a recovery monitoring contract with the Health Practitioners Intervention Program within sixty days of the order and thereafter remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Roxana Pierson, R.N. 0001-195697

Ms. Pierson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Roxana Pierson to renew her license to practice professional nursing until such time that she can appear and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Rebecca K. Hayden, L.P.N. 0002-075767

Ms. Hayden did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Rebecca Hayden, with said suspension stayed contingent upon Ms. Hayden entering the Health Practitioners Intervention Program and remaining in compliance with the terms and conditions specified by the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Amy C. Parke, R.N. 0001-155656

Ms. Parke appeared.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:14 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:16 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Hale moved to accept the recommended decision of the agency subordinate to order Amy Parke to provide the Board with verification that she has completed the National Council of State Boards of Nursing course “Sharpening Critical Thinking Skills for Competent Nursing Practice” within sixty days of entry of the order.

The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:18 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:25 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Melissa A. G. Harris, C.N.A. 1401-114789

Ms. Harris did not appear.

Ms. Lindsay moved that the Board of Nursing modify the recommended decision of the agency subordinate to issue an order with the findings of facts and conclusions of law, but impose no sanction in the matter of Melissa Harris.

The motion was seconded and carried. Ms. Lindsay, Ms. Lane, Ms. Ponn, Ms. Hale, Ms., Cooper, Mr. Horn, Ms. Francisco, Mr. Logan, Dr. Hahn, Ms. Jones-Clark were in favor of the motion. Dr. Selig was opposed to the motion.

Autumn H. J. Quesenberry, C.N.A. 1401-084039

Ms. Quesenberry did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Autumn Quesenberry.

The motion was seconded and carried unanimously.

Kristin P. Wimmer, C.N.A. 1401-116556

Ms. Wimmer did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Kristin Wimmer.

The motion was seconded and carried unanimously.

Tracie J. Winn, C.N.A. 1401-122424

Ms. Winn did not appear.

Ms. Cooper moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Tracie Winn with a finding of abuse.

The motion was seconded and carried. Ms. Cooper, Dr. Selig, Ms. Lane, Ms. Hale, Mr. Horn, Ms. Francisco, Mr. Logan, Ms. Lindsay, Dr. Hahn, Ms. Jones-Clarke were in favor of the motion. Ms. Ponn opposed the motion.

Marcia L. Rollins, L.P.N. 0002-063897

Ms. Rollins did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision to indefinitely suspend the license of Marcia Rollins, with said suspension stayed contingent upon proof of entry into a recovery monitoring contract with the Health Practitioners Intervention Program, and thereafter remain in compliance with the Health Practitioners Intervention Program. The motion was seconded and carried. Dr. Selig, Ms. Hale, Ms. Cooper, Mr. Horn, Ms. Francisco, Mr. Logan,

Dr. Hahn, Ms. Jones-Clarke were in favor of the motion. Ms. Lane, Ms. Lindsay and Ms. Ponn opposed the motion.

William Howard, R.N. 0001-151801

Mr. Howard did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand William Howard and require Mr. Howard to provide the Board with verification that he has completed the National Council of State Boards of Nursing courses “Documentation: A Critical Aspect of Client Care” and “Medication Errors: Detection and Prevention” within sixty days of entry of the order.

The motion was seconded and carried. Dr. Selig, Ms. Lane, Ms. Ponn, Ms. Hale, Mr. Horn, Ms. Francisco, Mr. Logan, Ms. Lindsay, Dr. Hahn, Ms. Jones-Clarke were in favor of the motion. Ms. Cooper opposed the motion.

Jo Ellen Watkins, R.N. 0001-122225

Ms. Watkins did not appear.

Ms. Cooper moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Jo Ellen Watkins and provide the Board with verification that she has completed the following National Council of State Boards of Nursing course “Medication Errors: Detection and Prevention” within sixty days of entry of the order.

The motion was seconded and carried unanimously.

Alfreda R. Patterson, C.N.A. 1401-009815

Ms. Patterson did not appear.

Ms. Lane moved that the Board of Nursing modify the recommended decision of the agency subordinate to issue an order making findings of facts and conclusions of law, but impose no sanction in the matter of Alfreda Patterson.

The motion was seconded and carried unanimously.

Melinda D. Roach, C.N.A. 1401-057173

Ms. Roach did not appear.

Ms. Cooper moved that the Board of Nursing modify the recommended decision of the agency subordinate to make findings of fact and conclusions of law and impose no sanction in the matter of Melinda Roach.

The motion was seconded and carried unanimously.

Karen Jones, C.N.A. 1401-065034

Ms. Jones did not appear.

Ms. Lane moved that the Board of Nursing reject the recommended decision of the agency subordinate and refer the matter of Karen Jones to a formal hearing.

The motion was seconded and carried. Ms. Lane, Ms. Ponn, Ms. Hale, Ms. Cooper, Ms. Francisco, Mr. Logan, Ms. Lindsay, Ms. Jones-Clarke were in favor of the motion. Dr. Selig, Mr. Horn and Dr. Hahn opposed the motion.

Mary Catherine Nowlin, C.N.A. 1401-101064

Ms. Nowlin did not appear.

Ms. Cooper moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Mary Catherine Nowlin and enter a finding of abuse.

The motion was seconded and carried unanimously.

Sandra D. Hall, L.P.N. 0002-028693

Ms. Hall did not appear.

Ms. Lane moved to accept the recommended decision of the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of Sandra Hall for a period of not less than two years and until she can appear before the Board and demonstrate sufficient evidence she is safe and competent to practice nursing.

The motion was seconded and carried unanimously.

Teresa Neely, L.P.N. 0002-032778

Ms. Neely did not appear.

Dr. Hahn moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Teresa Neely and require her to complete the National Council of State Boards of Nursing courses “Medication Errors: Detection and Prevention”; “Documentation: A Critical Aspect of Client Care”; “Professional Accountability and Legal Liability for Nurses”; and “Sharpening Critical Thinking Skills for Competent Nursing Practice” within sixty days of entry of the order.

The motion was seconded and carried. Dr. Selig, Ms. Lane, Ms. Ponn, Ms. Hale, Mr. Horn, Ms. Francisco, Mr. Logan, Ms. Lindsay, Dr. Hahn and Ms. Jones-Clarke were in favor of the motion. Ms. Cooper opposed the motion.

Janice Heath, L.P.N. 0002-062670

Ms. Heath did not appear.

Ms. Cooper moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the license of Janice Heath for a period of not less than one year and until such time as she appears before the Board and provides sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

Teri Jo Craft, L.P.N. 0002-072513

Ms. Craft did not appear.

Ms. Lane moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Teri Jo. Craft contingent upon her continued compliance with a recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Corina R. Steward, L.P.N. 0002-054689

Ms. Steward did not appear.

Dr. Selig moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of Corina Steward, with said suspension stayed contingent upon Ms. Steward entering into the Health Practitioners Intervention Program and demonstrating six months compliance with a recovery monitoring contract, and thereafter remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Patricia L. Jones, R.N. 0001-104786

Ms. Jones did not appear.

Dr. Hahn moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Patricia Jones.

The motion was seconded and carried unanimously.

Noelle S. Saraceni, R.N. 0001-160458

Ms. Saraceni did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of Noelle Saraceni, and stay said suspension contingent upon Ms. Saraceni entering into the Health Practitioners Intervention Program and demonstrating six months compliance with a recovery monitoring contract, and thereafter remain in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Alfon C. Maristela, R.N. 0001-189418

Mr. Maristela did not appear.

Ms. Jones-Clarke moved to reject the recommended decision of the agency subordinate and refer the matter of Alfon Maristela to a formal hearing.

The motion was seconded and carried unanimously.

Patricia A. Murphy, R.N. 0001-099161

Ms. Murphy did not appear.

Dr. Selig moved to modify the recommended decision of the agency subordinate to indefinitely suspend the license of Patricia Murphy until such time as she appears and provides sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried. Dr. Selig, Ms. Lane, Ms. Hale, Ms. Cooper, Mr. Horn, Ms. Francisco, Mr. Logan, Ms. Lindsay, Dr. Hahn and Ms. Jones-Clarke were in favor of the motion. Ms. Ponn opposed the motion.

Marivic Guillen, R.N. 0001-139948; Maryland RN license R121645

Ms. Guillen did not appear.

Ms. Lindsay moved that the Board of Nursing accept the recommended decision of the agency subordinate to impose a \$100 monetary penalty upon Marivic Guillen to be paid within sixty days of entry of the order.
The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 10:30 A.M.

Peregrin Francisco, R.N., M.S.A.
Secretary

Panel A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:08 A.M. on March 18, 2009 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS PRESENT: Patricia M. Selig, R.N., F.N.P., Ph.D., Vice President
John M. Horn, L.P.N.
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N., B.S.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member

STAFF PRESENT: Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S. Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT: Amy Marschean, Senior Assistant Attorney

ESTABLISHMENT OF A QUORUM: With six members of the Board present, a quorum was established.

FORMAL HEARINGS SCHEDULED: **Karlene Bryan, C.N.A. 1401-120277**
Ms. Bryan appeared.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Cheryl Hodgson, Senior Investigator, Department of Health Professions was present and testified. Tamara Kohn, L.P.N., Medical Staffing Network testified by telephone.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bryan. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Lee and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:28 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

Mr. Logan moved to close the case and impose no sanction due to insufficient evidence to warrant disciplinary action.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:30 P.M.

RECONVENTION: The Board reconvened at 1:10 P.M.

FORMAL HEARINGS
SCHEDULED:

Eileen Massimino, L.P.N. 0002-049909

Ms. Massimino did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Massimino. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Lee and Ms. Marshcean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:45 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved that the Board of Nursing continue the license of Eileen Massimino on indefinite suspension for a period of not less than two years and until such time as can appear and demonstrate sufficient evidence she is safe and competent to resume nursing practice.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS
SCHEDULED:

Shaun C. Allen, C.N.A. Reinstatement Applicant 1401-076153
Mr. Allen appeared.

Cynthia Gaines, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:45 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Allen. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Lee and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:10 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

Mr. Horn moved that the Board of Nursing reinstatement the nurse aide certificate of Shaun Allen contingent upon receiving evidence of probation completion and his compliance with the criminal courts payment plan.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 3:15 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director

Panel B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:05 A.M. on March 18, 2009 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS PRESENT: Lynne M. Cooper, Citizen Member, President
Peregrin Francisco, R.N., M.S.A.
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
Brenda L. Hale, R.N.
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M, C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Amy Davis, Administrative Assistant

OTHERS PRESENT: Ishneila Moore, Assistant Attorney General
Nursing students from Bon Secours School of Nursing; Lynchburg College; and Fortis College

ESTABLISHMENT OF A QUORUM: With five members of the Board present, a quorum was established.

FORMAL HEARINGS SCHEDULED: **Antoinette M. Whitehead, C.N.A. 1401-054688**
Ms. Whitehead appeared, represented by attorney David Dildy.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

June Morrison, Senior Investigator, Department of Health Professions was present and testified. Harish Patel, Hope in Home Care; and Lindsay Sawyer, patient; testified by telephone.

RECESS: The Board recessed at 2:30 P.M.

RECONVENTION: The Board reconvened at 3:45 P.M.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Whitehead. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:51 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board revoke the nurse aide certificate of Antoinette Whitehead with a single incident of neglect.

The motion was seconded and approved unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 4:55 P.M.

RECONVENTION: The Board reconvened at 5:05 P.M.

FORMAL HEARING: **Walter B. Echols, R.N. 0001-119880**
Mr. Echols appeared.

Mary Beth Shelton, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush court reporter, recorded the proceedings.

Rachel Shaw and Sandra Barton, Department of Health Professions Investigators were present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting at 5:24 P.M. pursuant to Section 2.2-3711(A)(15) of the *Code of Virginia* for the purpose of consideration of mental health records of Walter Echols that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis, Ms. Shelton, Ms. Bush, Ms. Barton, Ms. Shaw, Mr. Echols and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations.

RECONVENTION: The Board reconvened in open session at 6:19 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:23 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Echols. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 7:15 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Shelton and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing defer disposition of imposing no sanction in the matter of Walter Echols dependent upon the outcome of a mental health evaluation by a Board approved provider to include diagnosis, course of therapy and prognosis within 45 days of entry of the order. The results of said evaluation shall be reviewed by the Board and an administrative proceeding may be convened to determine final disposition.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARING:

Anthony Newton, C.N.A. 1401-079201

Mr. Newton did not appear.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush court reporter, recorded the proceedings.

Charlotte Hudson, Senior Investigator, Department of Health Professions; Darlene Spelts, Director of Nursing, Tandom Health Care of Norfolk; and Elizabeth Nelson, Sentara Nursing Center, Norfolk were present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:15 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Newton. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell and Ms.

Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 8:20 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board revoke the nurse aide certificate of Anthony Newton with a finding of abuse and neglect.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARING:

Nancy E. Smith Carroll, L.P.N. 0002-045303

Ms. Carroll appeared, represented by attorney, Pamela Branch.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush court reporter, recorded the proceedings.

Denise Sexton, Senior Investigator, Department of Health Professions was present and testified. Angela Robertson, LPN, former Maxim employee; Sharon Andrews, mother of patient; and Ernestine Bennett, RN, Virginia Veterans Center, testified by telephone.

RECESS:

The Board recessed at 10:42 P.M.

RECONVENTION:

The Board reconvened at 11:15 P.M.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:12 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Carroll. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:30 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing issue an order for Nancy Smith Carroll to complete the National Council of State Boards of Nursing courses “Documentation: A Critical Aspect of Client Care”; “Medication Errors: Detection and Prevention”; and “Professional Accountability and Legal Liability” within 45 days of entry of the order.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARING:

Tobias G. Smith, R.N. 0001-185811

Mr. Smith did not appear.

Mary Beth Shelton, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:49 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Smith. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:52 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Shelton.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing indefinitely suspend the professional nursing license of Tobias Smith for a period of not less than two years and until such time as he can appear before the Board and provided sufficient evidence that he is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARING:

Esther Thaxton, R.N. Reinstatement Applicant 0001-142557

Ms. Thaxton did not appear.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush court reporter, recorded the proceedings.

Cecile Custer, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:08 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Thaxton. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:15 A.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing deny reinstatement of the professional nursing license of Esther Thaxton and continue the license on indefinite suspension for a period of not less than two years and until such time as she can appear before the Board and provided evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 2:16 A.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director